

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

**Cases 10-CA-143087
10-CA-147238**

**NATIONAL ASSOCIATION OF LETTER
CARRIERS BRANCH 588**

DECISION AND ORDER

Statement of the Cases

On July 21, 2015, the United States Postal Service (the Respondent), National Association of Letter Carriers Branch 588 (NALC or the Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to Board approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals.¹ The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

The Respondent is and has been, at all times material herein, an independent establishment of the Executive Branch of the Government of the United States and operates various facilities throughout the United States in the performance of its basic function to provide postal services to the Nation, including the Main Postal facility located at 575 Olympic Drive, the Alps Road Station located at 196 Alps Road (Suite 48), and the Downtown Station located at 115 E. Hancock Ave. (Suite 100) in Athens,

¹ On October 7, 2015, the parties agreed to a revised Notice to Employees, which is attached as Appendix A.

Georgia, herein collectively called the Respondent's Athens, Georgia facilities. The Respondent is now and has been at all material times, an entity subject to the Board's jurisdiction by virtue of the Postal Reorganization Act (the PRA), 39 U.S.C. § 1209.

2. The labor organization involved

At all material times, NALC has been a labor organization within the meaning of Section 2(5) of the National Labor Relations Act, as amended (the Act).

3. The appropriate unit

(a) The following employees of the Respondent constitute a nationwide unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

NALC:

INCLUDED: City letter carriers.

EXCLUDED: All managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined in Public Law 91-375, 1201(2), postal inspection service employees, employees in the supplemental work force as defined in Article 7, rural letter carriers, mail handlers, maintenance employees, special delivery messengers, motor vehicle employees, or postal clerks.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Athens, Georgia, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Refusing to bargain collectively and in good faith with the National Association of Letter Carriers Branch 588 (NALC) by unduly delaying in furnishing information to NALC that is relevant and necessary to the performance of its duties as an agent of the National Association of Letter Carriers, AFL-CIO, the exclusive bargaining representative of the following bargaining unit employees in the following nationwide unit at its Athens, Georgia facilities:

NALC:

INCLUDED: City letter carriers.

EXCLUDED: All managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined in Public Law 91-375, 1201(2), postal inspection service employees, employees in the supplemental work force as defined in Article 7, rural letter carriers, mail handlers, maintenance employees, special delivery messengers, motor vehicle employees, or postal clerks.

(b) In any other manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) Upon request, provide NALC with necessary and relevant information in a timely and appropriate manner.

(b) Each information request tendered by NALC, orally or in writing, shall be recorded in a log at the Respondent's Athens, Georgia facilities at which a request for information has been made. The log shall include the following information: a brief description of the information requested; the name of the individual who is making the request; the name of the supervisor who received the request; the date the request was made; and the date that the Respondent's manager or supervisor provided the Union with the requested information. If the manager or supervisor, having reviewed the documents requested, believes that the Respondent will need additional time, the manager or supervisor will inform NALC in writing, requesting additional time and explaining the need for the additional time.

(c) Each manager and supervisor who is designated to receive union requests for information at the Respondent's Athens, Georgia facilities will receive annual training which encompasses how to maintain the log, and how to tender the relevant information requested by NALC; each such supervisor and manager will sign an acknowledgement form attesting to the fact that he or she has completed said training. A copy of this acknowledgement form shall be maintained in the supervisor's or manager's training and history files. NALC stewards will be granted access to the log, upon request. Supervisors or managers who fail to reasonably supply relevant information to NALC will have this fact mentioned in the "corrective action" column of the semi-annual audit report provided to the district manager and district manager of human resources. A repeated violation could lead to discipline of said supervisor or manager.

(d) NALC stewards must be notified when the manager or supervisor who is designated to receive union requests for information at the Respondent's Athens, Georgia facilities has changed.

(e) The Respondent's legal department or its labor relations department shall conduct semiannual audits of the logs at the Respondent's Athens, Georgia facilities to ensure that the information requested by NALC is being handled in a timely and appropriate manner, and to ensure the logs are being properly maintained. Following the audit, the legal department or labor relations department shall tender, in writing, a written report that will be forwarded to the district manager and district manager of human resources.

(f) Within 14 days of service by the Region, post at its Athens, Georgia facilities copies of the attached notice marked "Appendix A."² Copies of the notice, on forms provided by the Regional Director for Region 10, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. Copies shall also be sent to the Respondent's supervisors at its Athens, Georgia facilities. In addition to physical posting of paper notices, the Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facilities involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since September 13, 2014.

(g) Within 21 days after service by the Region, file with the Regional Director for Region 10 a sworn certification of a responsible official on a form provided by the Region attesting to the steps the Respondent has taken to comply. The Regional Director shall be supplied a copy of the documents signed by the district manager of labor relations, attesting to the dates when the notices were received at each facility, and the dates when the notices were posted.

Dated, Washington, D.C., November 12, 2015.

Mark Gaston Pearce, Chairman

Kent Y. Hirozawa, Member

Lauren McFerran, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

² If this Order is enforced by a judgment of a United States Court of Appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

APPENDIX A

NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join, or assist a union
Choose representatives to bargain with us on your behalf
Act together with other employees for your benefit and protection
Choose not to engage in any of these protected activities.

WE WILL NOT unduly delay furnishing information requested by the National Association of Letter Carriers Branch 588 that is necessary for and relevant to the Union's performance of its duties as the exclusive collective-bargaining representative of the following appropriate bargaining unit at our Athens, Georgia facilities:

NALC:

INCLUDED: City letter carriers.

EXCLUDED: All managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined in Public Law 91-375, 1201(2), Postal Inspection Service employees, employees in the supplemental work force as defined in Article 7, rural letter carriers, mail handlers, maintenance employees, special delivery messengers, motor vehicle employees, or postal clerks.

WE WILL NOT in any other manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by the National Labor Relations Act.

WE WILL, upon request, provide the Union with necessary and relevant information in a timely and appropriate manner.

WE WILL record orally or in writing each information request tendered by the Union in a log at our Athens, Georgia facilities at which a request for information has been made. If the manager or supervisor, having reviewed the documents requested, believes that they will need additional time, the manager or supervisor will inform the Union in writing, requesting additional time and explaining the need for the additional time.

WE WILL conduct annual training with each manager or supervisor designated to receive Union requests for information at our Athens, Georgia facilities on how to maintain the logs and how to tender the relevant requested information.

WE WILL notify Union stewards when the manager or supervisor who is designated to receive Union requests for information at our Athens, Georgia facilities has changed.

WE WILL conduct, through our legal department or labor relations department, semi-annual audits of the logs at our Athens, Georgia facilities to ensure that the information requested by the Union is being handled in a timely and appropriate manner, and to ensure the logs are being properly maintained. Following the audit, our legal department or labor relations department shall tender, in writing, a written report that will be forwarded to the district manager and district manager of human resources.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlr.gov/case/10-CA-143087 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

